

UNITED STATES FEDERAL DISTRICT COURT
DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

2023 JAN 27 PM 3:51

CLERK-ALBUQUERQUE

Mike R. Serna,
Plaintiff,

v.

David Webster, and
Margette Webster,
Defendants.

case no. 23cv83-SCY

WRONGFUL FORECLOSURE
INJUNCTION
DEFAMATION OF CHARACTER
JURY: NO

COMPLAINT FOR A CIVIL CASE

PLAINTIFF:

Mike R. Serna. A citizen of the United States, and of Albuquerque, New Mexico.
An individual.
Resides at: 10812 Olympic St., N.W., Albuquerque, NM 87114
County of Bernalillo
(505)321-1661

DEFENDANTS:

David Webster. A citizen of the United States, and of Albuquerque, New Mexico.
An individual.
Resides at: 8719 Tierra Alegre, N.E.
Albuquerque, NM 87122
Bernalillo County

Margette Webster. A citizen of the United States, and of Albuquerque, New Mexico.
An individual.
Resides at: 8719 Tierra Alegre, N.E.
Albuquerque, NM 87122
Bernalillo County

UNITED STATES FEDERAL DISTRICT COURT
DISTRICT OF NEW MEXICO

BASIS FOR JURISDICTION:

28 U.S.C. 1331

Federal Question arising under the United States Constitution.

Amendment 14, Section 1

All citizens born or naturalized in the United States, and subject to the jurisdiction
Thereof, are citizens of the United States and of the State wherein they reside. Nor
State shall make or enforce any law which shall abridge the privileges or immunities
Of citizens of the United States; nor shall any State deprive any person of life, liberty,
Or property, without due process of law; nor deny to any person within its jurisdiction
The equal protection of the laws.

The Property of the “Mike R. Serna Irrevocable Living Trust” was wrongly taken, in a
Foreclosure against Emma, the Trustee, and Mike Serna, the Settler, without a lawsuit
Or judgment against it, and was deprived of its property and due process of law. The
Said Defendant and the State are responsible for these wrongful actions.

Fourth Amendment of the U.S. Constitution:

The right of the people to be secure in their persons, houses, papers, and effects, against
Unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but
Upon probable cause, supported by oath or affirmation, and particularly describing the
Place to be searched, and the persons or things to be seized.

To be secure from unreasonable searches and seizures of property by the government.

THE AMOUNT IN CONTROVERSY:\$900,000.00

STATEMENT OF CLAIM

On approximately, April 2019, David and Margette Webster filed a Claim, in state Court, to Foreclose on David and Margaret Webster's transcript of Judgment. The two Webster's had their attorney write up the Claim which reads:

Margaret Webster and David Webster a/k/a Margette written in without a hearing or an Amended copy, the transcript was altered by Margette Webster to include herself in the Judgment, and no where is the "Mike R. Serna Irrevocable Living Trust" mentioned, Written in, a litigant in any case, by the two Webster's.

Judgment was against Emma Serna d/b/a not Emma Serna individually, and against companies that Emma Serna does not own, and one is a "Limited Liability Company" that the veil was never broken, and Mike Serna or the "Irrevocable Trust" were never a part of the judgment, and Ms. Serna was sued in the manner of "Doing Business As Harm to the Plaintiff:

The two Defendants damaged the Plaintiff, Mike Serna, in the following manner:

1. Mike Serna was sued individually without reasonable cause. Mr. Serna had never dealt with either Webster in any matter or issue.
2. These two Defendants' foreclosed on Property that is owned by "The Mike R. Serna Irrevocable Living Trust", and without a Lawsuit or Judgment against it.
3. The two Defendant's filed liens, and a Lis Pendens against all the "Irrevocable Trust Property", and clouded the titles.
4. Held a sale for two months in front of the Court house of the Property of "The Mike R. Serna Irrevocable Living Trust Property".

5. Defamed the name of Mike R. Serna. This transpired on January 20, 27,2022, and February 3, 10, 2022, through the Albuquerque Journal for two months.
6. Had Special Master, William Keleher, write out a “Special Warranty Deed” transferring the “Irrevocable Trust Property” to David and Margette Webster claiming that the Settler and the Trustee had given him permission. An erroneous statement without facts, or a written document, and an “Irrevocable Trust” has to have the Settlers’ and the Beneficiaries signature in order to sell, convey, transfer, etc. a Property. No such document exists or ever will. This transpired on May, 2022.
7. On September 26, 2022 Mike Serna and his family were evicted from their residence by David and Margette Webster in which they hired two Bernalillo Deputies to change the locks on the house, of the “Mike R. Serna Irrevocable Living Trust Property”. David and Margette Webster trampled all over the house and broke tiles on the floor, and soiled the walls, without a valid writ of entry to the Property, and or search warrant.
8. On September 28, the Plaintiff, Mike Serna, came back to his residence, the Property that legally belongs to “The Mike R. Serna Irrevocable Living Trust”, and had the locks changed, and moved back into the house, and that evening David and Margette Webster came out to Mike Serna’s residence with three other cars full of men, with guns and clubs to remove the Serna Family from their residence. Ms. Serna called APD, and it took them (4) hrs. to come out to the Property, and the (2) Webster’s were still there. APD wrote out a Police Report, #220076581, date September 28, 2022.

9. David and Margette Webster sent out to the residence of Mike Serna (3) detectives, trying to intimidate the Serna Family into leaving the house. Mrs. Serna told them to leave because the house belongs to the “Mike R. Serna Irrevocable Living Trust”, and the “Irrevocable Trust” was not sued or has a judgment against it, and this is a crime they have committed, and they should file criminal charges against the two Websters.

10. In November, and December, 2022, Mr. Serna had (3) surgeries, and has required extensive on going care, by his specialists, and the detectives were not deterred by his illness, and continued to aggravate, and abuse, and threaten the Serna Family on behalf of David and Margette Webster.

11. The first judgment was made out to David and Margaret Webster. Margaret Webster was never a litigant in the case. The judgment was made out to Emma Serna d/b/a Serna & Associates, LLC, and Emma Serna was NOT sued individually, and the business does NOT exist. So Margette and David Webster do NOT have a judgment.

12. The Second judgment was to foreclose on Property that belonged to an “Entity”, and the “Entity” is an “Irrevocable Trust”, and the judgment was against Mike and Emma Serna, and they do NOT own the Property they live in. The Property was deeded to the Mike R. Serna Irrevocable Living Trust”.

RELIEF SOUGHT

1. Emotional distress, Foreclosure on Property that was NOT sued or has a judgment against it, and now in the latter Part of February, 2023, the Redemption Period will end, and David and Margette Webster have already collected over \$61,000.00, and now they want to take the Property that belongs to a separate “Entity”! This is Wrong, and malicious, and calls for both punitive and exemplary damages.

The funds that were disbursed were all disbursed illegally, without a legal judgment that David or Margette Webster ever received.

Relief Sought” \$100,000.00, and every cent they received or took negligently.

2. Margette Webster has contacted several business that either she owns the house or to charge the Serna Family exuberant prices for any home project. She has companies mail ads at the Serna residence, with her name on them. Continued abuse. \$100.000.00

3. Defamation of name and character. She tells everyone that she owns the Property, house, and we should get out. Margette and David Webster refuse to admit that they did not, and do not have a judgment or lawsuit against the owner of the Property, house, the “Entity” owns the Property, and this continues daily. Margette tells everyone that the Serna’s refused to pay her the \$61, 000.00 when in reality she altered the first judgment, and should be in jail because she committed federal offenses against a Bank, forged several legal documents, etc., and manipulated the circumstances and individuals to hand over the Plaintiffs’ resources that were in the “Irrevocable Trust”, and the Trust had a

provision for Serna to live on from these funds. Relief Sought: \$700,000.00.

4. Restore Serna's good name, sanction for all the deceit, and perjuring herself at the Cost of Mike Serna and his family's livelihood, and good name, and the losses they have endured. RELIEF SOUGHT; A TOTAL OF \$900,000.00.

INJUNCTION

A permanent injunction is needed as this couple, the Defendants, have shown violent and abusive mannerisms. The two Websters have shown up at the Serna's neighborhood, and have brought others to attack, and do bodily harm. The two have taken out writs of execution, and hired the Bernalillo deputies to take all our furniture, and anything that is not tide down, and they hired two deputies to evict the Plaintiffs from the home they reside in, and the Websters' will initiate their ruthless acts again. Mr. Serna has had three operations, and his mobility is limited. Emma, Mike Serna's wife, has had (3) strokes brought on by these brutal attacks that the Websters' refuse to cease. The possibility of a break in with bodily harm is evidentially possible with their state of mind. The Websters' want the residence that the Serna's paid and built, back in 1993, and the "Mike R. Serna Irrevocable Living Trust" went into effect back in May 07, 2015.

CERTIFICATION AND CLOSING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for

PARTY WITHOUT AN ATTORNEY

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

1- 27- 2023
Date

Mike R. Serna
Signature of Plaintiff

Mike R. Serna
Printed Name of Plaintiff